

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

7:18-cv-00206-FL

MARISA REVAK,

)

Plaintiff,

)

vs.

)

**SHERIFF HANS J. MILLER, in his official
and individual capacity, and ONSLOW
COUNTY SHERIFF'S OFFICE, North
Carolina public entity, and, THE OHIO
CASUALTY INSURANCE COMPANY,**

)

Defendants.

)

)

)

Motion DENIED.

This the 14th day of January, 2020.

/s/Louise W. Flanagan, U.S. District Judge

**DEFENDANTS' MOTION TO STAY
PROCEEDINGS PENDING RESOLUTION OF
POTENTIALLY DISPOSITIVE MOTION**

Now come Defendants, through counsel, and pursuant to Rule 26(c), Federal Rules of Civil Procedure and the Court's inherent power, move the Court for a stay of proceedings pending resolution of potentially dispositive motions. In support of such motion, and as more fully set forth in their accompanying memorandum of law, Defendants show as follows:

- 1) On November 18, 2019, Plaintiff filed a Rule 12(b)(6) Motion to Dismiss as to Plaintiff's First, Third and Fourth Claims for Relief.
- 2) Defendants are in the process of finalizing a memorandum in support of a motion to dismiss Plaintiff's Second Claim for Relief, which alleges a retaliation claim under Title VII, for failure to state a claim upon which relief can be granted.
- 3) Defendants' consulted with Plaintiff and Plaintiff opposes entry of a stay. Indeed, Plaintiff instead has now asked for deposition dates in January for Sheriff Miller and six current or former senior officers of the Onslow County Sheriff's Office.
- 4) Defendants move to stay proceedings because if Defendants' motions are granted in their entirety, Plaintiff's sole remaining claim would be a state law wage and hour claim. If